DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 1/27/2011 have been fully considered but they are not persuasive.

2. Applicant argues

> *First, Applicant notes that there is an apparent contradiction in the Office's position. The Action at page 4, paragraph 4 states, "Uchida was cited for the limitations of 'obtain section' and 'transmission section.'" However, the Action at page 5 (paragraph starting with "a notify section that notifies ...") states, "Uchida disclose[s] everything claimed ..., except for explicitly reciting an obtain section that obtains the initial uplink transmission resources information from the wireless base station."*

This argument is not persuasive. The above quote parts are different from each other. Uchida discloses an "obtain section" and "transmission section". The second quote above simply says that *"Uchida disclose[s] everything claimed ..., except for explicitly reciting an obtain section that obtains the initial uplink transmission resources information from the wireless base station."*

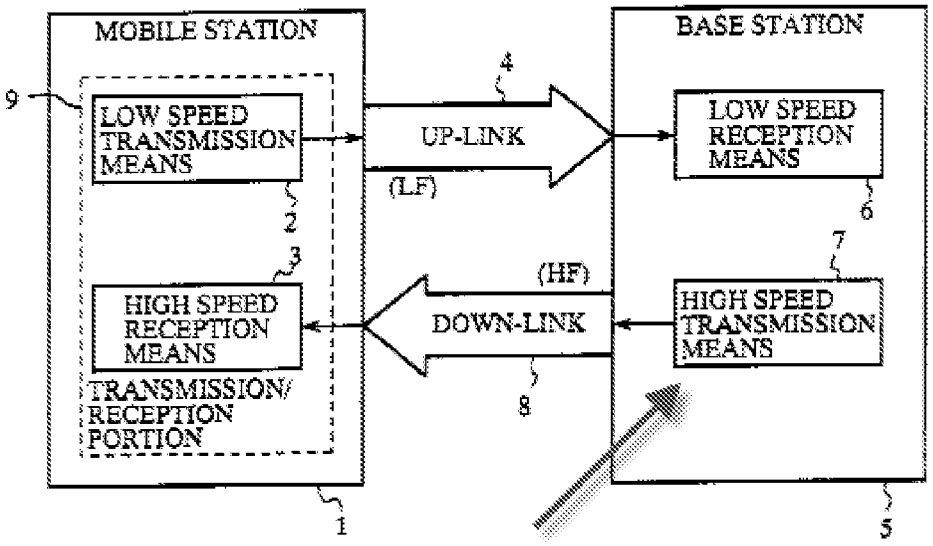
3. Applicant argues

> *For example, the cited art does not teach or suggest, at least, the limitations "a notify section that notifies the wireless communication terminal of an initial uplink*

transmission resources information; wherein the information includes an uplink transmission resources"

This argument is not persuasive. Uschida as shown below, discloses a notify section (7). As it is known to those skilled in the art during connection setup, certain resource (initial uplink transmission resources) are communicated to a mobile terminal and Uchida discloses this limitation.

FIG.1



and "the wireless communication terminal comprises: an obtain section that obtains the information including the uplink transmission resources from the wireless base station" of claim.

This argument is not persuasive because, as seen above (1) Uchida discloses a mobile terminal with an obtain section (receiver (3)).

4. Applicant argues

Uchida and Tsien do not teach or suggest at least "a notify section" and "an obtain section" for information including "an uplink transmission resources."

This argument is not persuasive. Both Uchida and Tsien disclose this limitation. As seen in the above figure 1, Uchida discloses a “notify section” (7) and " an obtain section" (3). These transceivers (obtain and notify section as applicant call them) of mobile terminal and base station communicate with each other and during the setup of channel, various resource allocation takes place including "uplink transmission resources."

5. Applicant argues

The Action argues that Uchida teaches a mobile station (MS) requesting a transmission rate change, and that disclosure corresponds to the "transmission rate determination section" of claim 2. Applicant disagrees. While the MS of Uchida requests transmission rate changes, it is the Mobile Switch Center (MSC) of Uchida that determines the transmission rate on the wireless communication line.

This argument is not persuasive because the transmission rate change is controlled by Tsien in the network.

6. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Therefore, the applied references are still valid and disclose all the limitations of the claims of the applicant and thus the rejection is maintained.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (US 6,745,049) in view of Tsien et al. (US 2003/0166394).

With respect to claim 1, Uchida discloses a wireless communication system configured from a wireless base station and a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67 particularly lines 64-67)**, the wireless base station comprises:

a notify section that notifies the wireless communication terminal of an initial uplink transmission resources information **(See Uchida's figure 1(5 and 7) col.1 lines 23-25 wherein the "high speed transmission means" reads on applicant's notify section; also see additional inform col.2 lines 14-67)**. Uchida disclose everything claimed as applied above to claim 1 (including an obtain section (see figure 1(3))), except for explicitly reciting an obtaining the initial uplink transmission resources information from the wireless base station. In analogous art, Tsien discloses a communication system for data transmission rate control and thus information that

includes an uplink transmission resources **(See Tsien's figure 2(42, 48), section [0012]-[0018]).**

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to combine (or modify) Uchida and Tsien to provide a method and/or a system to set/control transmission rate in a wireless system as suggested by Tisen (See Tisen's section [0010]).

With respect to claim 6, Uchida discloses a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67 particularly lines 64-67)**, comprising:

an obtains section receiving information/notification from a wireless base station **(See Uchida's figure 1(3) col.9 lines 51-54);**

a transmission section that transmits data obtained corresponding to the obtained uplink transmission resources **(See Uchida's figure 1(2) col.8 lines 54-55);**

Uchida disclose everything claimed as applied above to claim 6, except for explicitly reciting a transmitting data obtained corresponding to the obtained uplink transmission resources.

In analogous art, Tsien discloses a communication system for data transmission rate control **(See Tsien's figure 2(42, 48), section [0012], [0013] lines 1-3, for additional info see the entire section of [0012]-[0018]).** Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Uchida and combine it with that of Tsien for the purpose of setting transmission rate control in a wireless system, as taught by Tsien (See Tisen's section [0010]).

With respect to claim 7, Uchida discloses a wireless communication terminal, wherein a wireless communication line set between a wireless base station and the wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, comprising:

a terminal transmission rate notify section that notifies the wireless base station of an transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station wherein the terminal transmission rate notify section notifies the wireless base station of the transmission rate when the wireless base station and the wireless communication terminal exchange their mutual station information **(See Uchida's col.2 lines 14-67)**; and

a wireless base station transmission rate broadcast section that notifies the wireless communication terminal of a transmission rate that enables to be supported by the wireless base station on the wireless communication line from the wireless communication terminal to the wireless base station **(See Uchida's col.2 lines 7-11, 21-36, 50-57)**.

Uchida discloses everything claimed as applied above to claim 7, except for explicitly reciting a transmission rate determination section that determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on a determination result as to whether or not the wireless

base station enables to support the transmission rate notified from the wireless communication terminal.

In analogous art, Tsien discloses a communication system for data transmission rate control **(See Tsien's figure 2(42, 48), section [0012], [0013] lines 1-3, for additional info see the entire section of [0012]-[0018]).** Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Uchida and combine it with that of Tsien for the purpose of setting transmission rate control in a wireless system, as taught by Tsien (See Tisen's section [0010]).

With respect to claim 11, Uchida discloses a wireless base station, wherein a wireless communication line is set between the wireless base station and a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, for performing communications, comprising:

a notify section that notifies a wireless communication terminal of an transmission resources **(See Uchida's figure 1(5 and 7) col.1 lines 23-25 wherein the "high speed transmission means" reads on applicant's notify section; also see additional inform col.2 lines 14-67)** and

Uchida disclose everything claimed as applied above to claim 11, except for explicitly reciting a transmitting data obtained corresponding to the obtained uplink transmission resources.

In analogous art, Tsien discloses a communication system for data transmission rate control and thus obtaining the uplink transmission resources information **(See Tsien's**

figure 2(42, 48), section [0012], [0013] lines 1-3, for additional info see the entire section of [0012]-[0018]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Uchida and combine it with that of Tsien for the purpose of setting transmission rate control in a wireless system, as taught by Tsien (See Tisen's section [0010]).

With respect to claim 12, Uchida discloses a transmission rate control method of a wireless communication system configured from a wireless base station and a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67 particularly lines 64-67)**, the wireless base station comprises:

notifying the wireless communication terminal of an uplink transmission resources information **((See Uchida's figure 1(5 and 7) col.1 lines 23-25 wherein the "high speed transmission means" reads on applicant's notify section; also see additional inform col.2 lines 14-67)**, and the wireless communication terminal comprises:

transmitting data corresponding to the obtained uplink transmission resources **(See Uchida's figure 1(2) col.8 lines 54-55);**

Uchida disclose everything claimed as applied above to claim 12, except for explicitly reciting obtaining the uplink transmission resources information. In analogous art, Tsien discloses a communication system for data transmission rate control and thus obtaining the uplink transmission resources information **(See Tsien's figure 2(42, 48), section [0012]-[0018]).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Uchida combine it with that of Tsien

for the purpose of setting transmission rate control in a wireless system, as taught by Tsien (See Tisen's section [0010]).

With respect to claim 13, Uchida discloses a transmission rate control method of a wireless communication system configured from a wireless base station and a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, wherein a wireless communication line is set between the wireless base station and the wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, the transmission rate control method includes the steps in which: the wireless communication terminal notifies the wireless base station of an transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station when the wireless base station and the wireless communication terminal exchange their mutual state information **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**; the wireless base station determines whether or not the transmission rate notified from the wireless communication terminal enables to be supported **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**; the wireless base station notifies the wireless communication terminal of a determination result of the determination section **(See Uchida's col.2 lines 14-67)**; and the wireless communication terminal determines the transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station

(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change).

With respect to claim 2, Uchida discloses a wireless communication system configured from a wireless base station and a wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, wherein a wireless communication line is set between the wireless base station and the wireless communication terminal **(See Uchida's figure 1 and 2, col.9 lines 37-67)**, the wireless communication terminal comprises: a terminal transmission rate notify section that notifies the wireless base station of a transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station when the wireless base station and the wireless communication terminal exchange their mutual state information **(See Uchida's col.2 lines 14-67)**; and a transmission rate determination section that determines a transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**, and the wireless base station comprises: a determination section that determines whether or not the transmission rate notified from the wireless communication terminal enables to be supported **(See Uchida's col.2 lines 14-67)** ; and a determination result notify section that notifies the wireless communication terminal of a determination result of the determination section **(See Uchida's col.2 lines 14-67)**. Uchida discloses everything claimed as applied above to claim 7, except for explicitly reciting an initial transmission rate determination section that determines an

initial transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on a determination result as to whether or not the wireless base station enables to support the initial transmission rate notified from the wireless communication terminal. In analogous art, Tsien discloses a communication system for data transmission rate control **(See Tsien's figure 2(42, 48), section [0012]-[0018]).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Uchida and combine it with that of Tsien for the purpose of setting transmission rate control in a wireless system, as taught by Tsien.

With respect to claim 3, Uchida discloses a wireless communication system wherein the wireless communication terminal notifies the wireless base station of the transmission rate required by the wireless communication terminal on the wireless communication line from the wireless communication terminal to the wireless base station when power of the wireless communication terminal is turned on, and determines the transmission rate on the wireless communication line from the wireless communication terminal to the wireless base station based on the determination result notified from the wireless base station **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**.

With respect to claim 4, Uchida discloses a wireless communication system wherein the terminal transmission rate notify section notifies the wireless base station of a state information request message including the transmission rate required by the wireless communication terminal on the wireless communication line from the wireless

communication terminal to the wireless base station **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**.

With respect to claim 5, Uchida discloses a wireless communication system wherein the wireless communication terminal comprises a request transmission rate transmission section **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)** that retransmits a request of a transmission rate lower than the transmission rate required by the wireless communication terminal when the determination result from the wireless base station section shows that the transmission rate does not enable to be supported **(See Uchida's figure 7, col.9 lines 4-5, figure 1)**.

With respect to claim 8, Uchida discloses a wireless communication system wherein when power of the wireless communication terminal is turned on, the wireless communication terminal notices the wireless base station of the transmission rate **(See Uchida's figure 7, col.9 lines 4-5, figure 1, col.4 lines 15-17)**.

With respect to claim 9, Uchida discloses a wireless communication system wherein the terminal transmission rate notify section notifies the wireless base station of a state information request message including the transmission rate **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**.

With respect to claim 10, Uchida discloses a wireless communication terminal comprising: an inherent request transmission rate transmission section that retransmits a request of a transmission rate lower than the transmission rate required by the wireless communication terminal when the determination result from the wireless base station section shows that the transmission rate does not enable to be

supported **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**.

With respect to claim 14, Uchida discloses a transmission rate control method wherein the wireless communication terminal notifies the wireless base station of the transmission rate when power of the wireless communication terminal is turned on **(See Uchida's figure 1 and 2, col.9 lines 37-67).**

With respect to claim 15, Uchida discloses a wireless communication system wherein the terminal transmission rate notify section notifies the wireless base station of a state information request message including the transmission rate **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change)**.

With respect to claim 16, Uchida discloses a wireless communication system wherein the wireless communication terminal retransmits a request of a transmission rate lower than the transmission rate required by the wireless communication terminal when the determination result from the wireless base station section shows that the transmission rate does not enable to be supported **(See Uchida's figure 7, col.9 lines 4-5 where the mobile station requests rate change, figure 1)**.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamran Afshar can be reached on 571-272-7796. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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